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Department of Justice,

Bureau of Investigation.

Oklahoma City, Okla.,

November
twentieth,
1923.

102531

RECORDED

62-50-3-4

BUREAU OF INVESTIGATION
NOV 22 1923 P. M
DEPARTMENT OF JUSTICE

HOOVER

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
MR. HOOVER - 2

W. E. (BILL) SMITH
O. C. No. 7060.

62-50-3-4

GENERAL INTELLIGENCE
NOV 20 1923
DIVISION

Dear Sir:

Under instructions from you, on September 29, 1923 ex-Agent T. Weiss was employed as Special Employee for sixty days, to investigate the above entitled matter.

It was also requested at that time that Agent Barkhausen of the Denver office be assigned to assist him in this investigation. It resulted that Agent Barkhausen was going to be in Grand Jury and court in a few days, and it seemed not worth while to have him come for the few days that it might have been possible for him to have been here, so that the matter of having Agent Barkhausen come to assist Mr. Weiss in this investigation was postponed.

Mr. Weiss was also under subpoena to a term of the Grand Jury at Tulsa, to a term of court at Ardmore, also a term of court at Lawton, and a term of court at Fort Scott, Kans., which have taken up a great deal of his time, so that he has been able to date to devote only twenty-one days' time to the W. E. Smith case. While attending court at Tulsa, Ardmore and Lawton, I have assigned other work to him in those towns, which has kept him busy during the entire time. While at Lawton, on account of the great floods that we had ~~xxx~~ and the impossibility of being able to get witnesses to court, almost nothing was done for a week in the trial of cases in court, but it not being possible to have Mr. Weiss go to Osage County to continue this investigation and return, Agent assigned other work at Lawton and Fort Sill to him to do while there, awaiting the trial of cases on the docket.

Handwritten notes:
W. E. Smith
O. C. No. 7060
11/26/23

269

Mr. Hoover.

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I knew that Agent Barkhausen was to be at court at Fort Scott, Kans., and instructed Mr. Weiss to talk to him to ascertain what the condition of his work was, and the probability of his being able to assist Mr. Weiss in the Smith case. Mr. Weiss now informs me that Agent Barkhausen states that he will be engaged in court in a very important automobile theft case - the Steve Brownlee case - for an indefinite period of time, and does not see how it will be possible for him to leave that work at this time.

Agent Burger of the Kansas City office has worked with Mr. Weiss on automobile theft cases, and while Mr. Weiss was at Fort Scott and was informed that it would be almost impossible to have Agent Barkhausen taken away from his work, he spoke to Agent Burger and also to Agent in Charge Eberstein about the possibility of having Agent Burger assigned to assist him in this investigation, and while it was stated by both of them that their work was very heavy in the Kansas City District, that they would be very willing and very glad to assist this office in this assignment, if the Director desired to assign Agent Burger to this work.

The sixty-day period of special employment and special assignment of Mr. Weiss expires at the end of business the day of November 28th.

In this connection, I desire to call your attention to Mr. Weiss' report on the W. E. Smith case, dated November 19th, in which you will note that he has obtained some very valuable information relative to the Annie Brown and Charlie Whitehorn cases, and he is now in Osage County, and will remain there until November 28th, following up this investigation as rapidly as possible.

It is my opinion that this investigation should proceed as expeditiously as possible, and I know of nothing at this time which would take Mr. Weiss away from the investigation except that he is subpoenaed in court at Chickasha December 11th for one case which is a short case, and if reached promptly on the docket would only take one day. There is no other term of court in this District, and unless subpoenaed outside this state, there would be nothing known to be at this time which would prevent his continuing uninterruptedly on this investigation.

270

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7 Mr. Hoover.

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12 Please let me know before November 28th what your desires
13 are with respect to this investigation, and if you desire to
14 continue same, whether or not it meets with your approval to
15 assign Agent Burger to assist Mr. Weiss, and if so, please
16 instruct the Kansas City office to assign Agent Burger at
17 the earliest possible date.
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20 Very truly yours,

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22 *James G. Findlay*
23 James G. Findlay,
24 Special Agent in Charge.
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November 26, 1923.

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WFO-AS

48-5025-49

DEC 3 1923

C O D E

Findlay

Federal Building

Oklahoma City, Okla.

Referring letter twentieth authorized extend employment

thrice sixty days beginning twenty-ninth instant same

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Barger as requested stop two

BURNS

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FILE

272

THIS CASE ORIGINATED AT

Director.

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Nov. 19, 23	PERIOD FOR WHICH MADE: Nov. 9, 10, 11, 16 & 17, 23	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:
W. E. (BILL) SMITH and other Osage Indians : Murder of.

FACTS DEVELOPED:
At Okla. City, Okla. (O. C. #7060.)

Supplementing my previous reports,

entitled as above.

62-5033

This report covers investigations for dates shown as above, and at the following places, to-wit: Tulsa, Collinsville, Skiatook, Barnsdall, Pawhuska, Fairfax, Okla., and Kansas City, Mo.

RE: MURDER OF ANNIE BROWN, May 22, 1921:

On Nov. 15th Agent interviewed a confidential informant, whose name cannot be disclosed at this time, but who will be available whenever necessary, even to the point of testifying.

Agent secured information from this confidential informant in material substance as follows: That about July, 1921, informant was employed indirectly by ERNEST and BRYAN BURKHART to make confidential investigation and secure certain evidence for them in re. the ANNA BROWN murder.

Informant states that BRYAN and ERNEST BURKHART explained to him that their object in having him get this evidence at that time was to meet

Indian Office 11-30-23

DO NOT WRITE IN THESE SPACES

FILE NO. <i>62-5033-50</i>	DEC 8 1923
BUREAU OF INVESTIGATION NOV 22 1923 DEPARTMENT OF JUSTICE	GENERAL INTELLIGENCE NOV 25 1923
ROUTED TO: HOOVER	FILE RECORDED & INDEXED

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:
3 Washington; 3 file.

306

probable charges against BRYAN BURKHART for the murder of ANNIE BROWN as they stated they had learned that a number of people had seen BRYAN BURKHART with ANNIE BROWN at different places from Fairfax, Okla. and hours later than BRYAN BURKHART had previously stated and testified he had delivered her to her home in good health, at Fairfax, Okla. Informant called the evidence that the BURKHARTS were wanting him to secure an alibi, but the said evidence was not in the nature of an alibi, but was a building up of evidence and testimony to corroborate what BRYAN BURKHART would evidently set up as his defense if brought to trial for the murder of ANNIE BROWN.

Informant stated that while the BURKHARTS never admitted to him that BRYAN BURKHART actually murdered ANNIE BROWN and that in fact BRYAN BURKHART denied that he had ~~he~~ killed ANNIE BROWN, still BRYAN and ERNEST BURKHART conveyed to him the idea that his duty lay in getting witnesses who would swear as BRYAN BURKHART wanted them to swear in BURKHART'S behalf.

Informant stated further that he noted that BRYAN BURKHART and ERNEST would not discuss this case or talk it over with him the presence of MOLLIE BURKHART, wife of ERNEST BURKHART, and sister of the murdered ANNIE BROWN.

Informant also stated that W. K. or BILL HALE, uncle to the BURKHARTS, steered entirely clear of the conferences between informant and the BURKHARTS, and had nothing to say or do in the matter.

Agent deems the following statement by informant as extremely important, as it coincides and checks perfectly with all the evidence Agent has been able to gather re. this particular case beforehand:

Informant stated to Agent that he was informed by BRYAN BURKHART

224

that he, BRYAN BURKHART, was at ERNEST BURKHART'S home on May 21, 1921; that ANNIE BROWN was visiting there that day also, and an uncle of the BURKHARTS from Texas named BRIDGES was there; that ^{BRYAN} BURKHART and ERNEST BURKHART and ANNIE BROWN and some of the others named left the BURKHARTS about 6:30 P. M. that day; that BRYAN BURKHART stated to informant that he, BRYAN BURKHART, drove to Ralston, Okla. with ANNIE BROWN in the Buick touring car belonging to ERNEST BURKHART: that at Ralston, Okla. they stopped a short time and then drove west to the Belford crossing over the Arkansas River, back to Osage County, and north a mile or two to a roadhouse. That at this roadhouse BRYAN BURKHART and ANNIE BROWN met another party of people, and that this party stayed at this roadhouse until about 10 P. M.; that upon leaving the roadhouse BRIDGES and BRYAN BURKHART drove in the Buick car north until a mile or so west of Burbank and then turned east and went into Burbank and through Burbank two miles to a corner where a roadhouse was also situated, and then another one mile to another roadhouse situated at what is known as Shotgun Corners.

That BRYAN BURKHART stated that at this first roadhouse near the Belford Bridge, ANNIE BROWN left BRYAN BURKHART and went with the other party in the other car. That when BRYAN BURKHART and his uncle, BRIDGES, arrived at the Shotgun Corners roadhouse, they found ANNIE BROWN and the other party also there.

That BRYAN BURKHART stated that both parties stayed at this Shotgun Corners roadhouse (which was then run by PAUL JOHNS, and which will be hereinafter referred to as "Johns' roadhouse) until about 1 A. M.: that at 1 A. M. Sunday, May 22, 1921 ERNEST BURKHART and his uncle, BRIDGES, took ANNIE BROWN with them into ERNEST BURKHART'S Buick

touring car and started back to Fairfax, which is about seventeen miles almost due south, but a few miles east of said PAUL JOHNS' roadhouse. That BRYAN BURKHART stated that a man and woman of the party they had met at said roadhouse also left at the same time in a Ford touring car, immediately following BURKHART in the Buick; that ~~he~~ both cars stopped at the roadhouse ~~xxx~~ one mile south of the PAUL JOHNS Roadhouse, (which roadhouse was then run by one LEE MORGAN and wife) and got some whiskey; that both cars then proceeded at the same time south and toward Fairfax, the Buick car with BRIDGES and BRYAN BURKHART and ANNIE BROWN in the lead, and the Ford touring car with the other man and woman following. That both cars thus proceeded along the road until they arrived at a point about one mile north of Fairfax, Okla., where the road forks and one road turns east going toward Pawhuska or Grayhorse, and the other road continues due south into Fairfax.

That BRYAN BURKHART stated that at the forks of this road he and BRIDGES and ANNIE BROWN continued south into Fairfax, while the Ford touring car with the man and woman which had been following turned east on the road leading to Pawhuska and Grayhorse.

That BRYAN BURKHART stated to him, informant, that he drove on into Fairfax at that time, and delivered ANNIE BROWN home safely about 2:30 A. M. Sunday, May 22d.

That BRYAN BURKHART further told him, informant, that he, BURKHART drove from Fairfax to home that morning, but did not arrive at home at Grayhorse, just three miles from Fairfax, until about daylight (about two hours later); that BRYAN BURKHART further stated that he met a man near Grayhorse as he, BURKHART, was going home about daylight that morning who recognized BRYAN. Informant states that BRYAN did not give him

this man's name, but stated that he was a man who lived near there, and who BRYAN knew very well, and that BRYAN remarked that he could fix that man all right, and could depend on him to not say anything about seeing him at that time of the morning.

The above, it is to be remembered, is the statement made by BRYAN BURKHART to informant.

The following is what informant states he learned personally by his own investigation covering about a week in July, 1921:

Informant states that BRYAN BURKHART about July, 1921, drove him, informant, from Grayhorse to Ralston and from Ralston to the Belford Bridge, across the Arkansas River, thence north a few miles to the first roadhouse mentioned above, thence north into Burbank, Okla., thence east to the roadhouse then run by LEE MORGAN, thence north one mile to the roadhouse then run by PAUL JOHNS, thence back to Fairfax and Grayhorse

Informant states that BRYAN BURKHART did this in order to ~~make~~ point out to informant the exact road that BRYAN BURKHART traveled that night with BRIDGES and ANNIE BROWN, and to introduce him and acquaint him with the road house keepers who were friendly to BRYAN BURKHART at that time. Informant also states that at Burbank, Okla. BRYAN BURKHART introduced him to the woman who BURKHART stated was in the party that they met at the PAUL JOHNS Roadhouse about 11 P. M. the night of the murder, and who BRYAN BURKHART also stated was the woman that was in the Ford touring car that accompanied the Buick touring car from PAUL JOHNS' roadhouse back to the forks of the road, north of Fairfax.

Informant states that BRYAN BURKHART told him the names of all the persons referred to above in BRYAN BURKHART'S statements, to-wit:

the name of PAUL JOHNS, and wife, roadhouse keepers, LEE MORGAN and wife, roadhouse keepers, and the names of the woman who was in the Ford car that accompanied the Buick car back toward Fairfax that night and the name of the man that was with her, and the name of the man whom BRYAN BURKHART met about ~~dark~~ daylight the next morning, and whom BURKHART stated he could handle.

Informant, however, was not sure of all of these names except that of PAUL JOHNS and wife, and LEE MORGAN and wife, but said that the woman who was in the car accompanying ^{the} BRYAN BURKHART - ANNIE BROWN car that night from PAUL JOHNS Roadhouse back towards Fairfax was a medium height woman, red hair, good looking, about 28 years old, well built, and pleasant-voiced.

Informant states that he interviewed PAUL JOHNS and that PAUL JOHNS stated that on the night in question that red-headed woman and the man with her, ANNIE BROWN and others arrived at PAUL JOHNS' roadhouse about 10 P. M. in a Ford touring car; that about forty minutes later BRYAN BURKHART and his uncle arrived in a Buick touring car, and both parties stayed at the place and drank until about 1 A. M.; that about 1 P. M. BRYAN BURKHART and ANNIE BROWN and BRIDGES got into the Buick touring car and left, going south, and the red-headed woman and the man got in the Ford touring car ^{and} and left, going south, at the same time, just following the Buick car with BRYAN and ANNIE and BRIDGES.

Informant states that PAUL JOHNS was very friendly to BRYAN BURKHART, but that PAUL JOHNS fully believed that BRYAN BURKHART had murdered ANNIE BROWN later that night, and that PAUL JOHNS remarked to him, informant, that BRYAN BURKHART made one big mistake when he

took ANNIE BROWN into the car with him in the presence of so many other people, and left with her; that PAUL JOHNS stated that there were a number of other people besides those mentioned, including his wife, who saw BRYAN BURKHART leave with ANNIE BROWN in his car that night

Informant states that he interviewed LEE MORGAN and wife, and that LEE MORGAN stated that on the night in question BRYAN BURKHART and another man with ANNIE BROWN arrived in a Buick touring car at his, MORGAN'S place about 1 or 1:30 A. M. and that there was a Ford touring car accompanying them with another man and woman, and that the parties did not get out of the cars, but he, LEE MORGAN, brought them some whis key to each car, and the party drove on south toward Fairfax.

Informant stated further that BRYAN BURKHART mentioned the fact that MRS. GEO. JAMES and others had seen him with ANNIE BROWN at various times that Saturday night and Sunday morning, and that BRYAN BURKHART was getting this line of evidence to combat that evidence on the part of a possible prosecution. Informant stated further that BRYAN BURKHART did not explain what became of his uncle, BRIDGES, after the two cars separated just north of Fairfax that morning about 2 A. M., as BRYAN BURKHART did not mention where BRIDGES was when this man near Grayhorse saw BRYAN BURKHART about daylight just getting in home.

Informant states that he made ^{written} further reports at the time showing all the above, including the names in full of all the persons mentioned and alluded to, and that said reports are not now in his possession, but that he can get them. Agent has arranged with this informant to get his former original reports at the earliest opportunity.

The above evidence is highly important, as it will be remembered

that BRYAN BURKHART swore at the inquest of ANNIE BROWN'S murder that he, BURKHART, returned her to her home at Fairfax from her visit to his brother, ERNEST'S, that Saturday, May 21, 1921 at four or 4:30 P. M. in the afternoon, and swore further that he had never seen her since.

This line of evidence that the BURKHARTS employed informant to secure was not sought for by the BURKHARTS until it became generally known that JOE MCGUIRE and others had seen BRYAN BURKHART with ANNIE BROWN at Ralston, and that some other parties had seen him with her at the roadhouse near Burbank, and that MRS. GEO. JAMES had seen him with ANNIE BROWN at Fairfax between two and three A. M. Sunday morning, May 22d.

Informant states that it was quite apparent to him that PAUL JOHNS and wife and LES MORGAN and wife and the other persons including the red-headed woman and her escort that night had all been seen previously by the BURKHARTS and lined up as they were all very friendly and seemed to have their stories down pat ready to relate.

It is Agent's opinion that BURKHART'S story of this trip from Grayhorse back to the fork in the road north of Fairfax the next morning about 2 A. M. is substantially the truth, but that the further facts are that BURKHART did take ANNIE BROWN to her home in Fairfax after these cars separated, but that the uncle BRIDGES was not in the car with BRYAN BURKHART and ANNIE BROWN at the time, or at least left them and got in the car with the other party that went into Grayhorse, and that BRYAN BURKHART drove alone with ANNIE BROWN in his brother ERNEST'S Buick car from the fork of the road north of

290

Fairfax, and that BRYAN BURKHART and ANNIE BROWN did stop and talk, as related by MRS. JAMES; close to MRS. JAMES house about 2:30 that morning, after which BRYAN BURKHART and ANNIE BROWN drove to ANNIE BROWN'S house and got out just as MRS. JAMES relates she saw them do, and went into ANNIE'S house, but that they stayed in ANNIE'S house but a very short time and left, and drove to the place on the road between Fairfax and Grayhorse where ANNIE BROWN'S body was found, and that BRYAN BURKHART either murdered her at her house that morning, or on the road, and placed the body where it was later found, or which is more likely, was out of the car with her and shot her right near the spot where her body was found.

At least, the above evidence shows positively that BRYAN BURKHART was with ANNIE BROWN ~~practically~~ at the time practically all the time before and up until at least 2:30 A. M. the next morning, and was the last person seen with her when she was alive, and was with her ten hours later than he swore at the inquest.

We are now trying to locate the persons named by informant.

PAUL JOHNS roadhouse was raided and PAUL JOHNS arrested, and made bond at Pawhuska, Osage County, ¹⁹²¹ ~~in~~ Oct. ~~1921~~. His bond was forfeited, and his present whereabouts are unknown, but we are tracing him.

LEE MORGAN was arrested and his place raided and closed in October, 1921, and LEE MORGAN also made bond and forfeited and his present whereabouts are unknown, but we are tracing him. *W*

It now appears that the red-headed woman to whom informant talked and whose name he has forgotten, was either one MAYBELLE MAYFIELD or EDITH DAVIS. We are tracing both these women. It was possibly also

281

one ROSE COCHRAN, and we are also tracing her.

On Nov. 11th J. ^{Mer}MERCER, Fairfax, Okla., was interviewed. He is a white man, married to an Osage Indian woman who is the MOLLIE MERCER heretofore referred to.

J. MERCER is the man from whom A. W. COMSTOCK has been receiving his, COMSTOCK'S, information heretofore relating to the alleged knowledge by MANDY CLAREMORE and MARY BLACKBIRD in the case also, so that Agent is getting this direct now, instead of through two or three hands. J. MERCER stated to Agent that his wife is a sister to ROSE LASLEY with whom BRYAN BURKHART is now living as man and wife.

And that MARY BLACKBIRD, Osage Indian woman, is also a sister to MERCER'S wife.

MERCER states that all his information comes to him through his wife, who in turn gets it from MARY BLACKBIRD and MANDY CLAREMORE and other Osage Indian women; that his wife, however, only tells him enough to help him break up, if possible, the relationship between BRYAN BURKHART and ROSE LASLEY, as they fear if BRYAN BURKHART succeeds in marrying ROSE LASLEY he will have her killed to inherit her property, the same as ANNIE BROWN and RITA SMITH were killed.

J. MERCER stated, however, that his wife does not willingly give him all the information she learns from these other full-blood Osages, for the reason that she does not want them drawn into the case, and the further main reason that they are afraid that if the BURKHARTS and HALES knew that they are talking, they will be killed. MERCER'S wife is a convent raised and educated Indian young lady.

MERCER states that his information, in substance, from his wife is

that about midnight of May 21, 1921 BRYAN BURKHART and ANNIE BROWN came to MANDY CLAREMORE'S house at Grayhorse in a car together, and BRYAN BURKHART borrowed from MANDY CLAREMORE a small calibered gun that belonged to HALL GOODER, MANDY CLAREMORE'S brother. That MANDY CLAREMORE stated that BRYAN BURKHART has never returned this gun, and HALL GOODER, ~~from~~ for some reason, probably fear, has never asked for it back - (the hole in ANNIE BROWN'S head indicated a small caliber gun).

J. MERCER stated further that his further information from his wife is that later that same night MARY BLACKBIRD and MANDY CLAREMORE saw BRYAN BURKHART and ANNIE BROWN together at the spot where ANNIE BROWN'S body was later found, and that MARY BLACKBIRD and MANDY CLAREMORE had stated that they were at the place where the murder was committed, and knew all about it, but would not tell.

J. MERCER states that he has not been able to learn definitely whether MARY BLACKBIRD and MANDY CLAREMORE were with BRYAN BURKHART and ANNIE BROWN just before or just after or at the time that ANNIE BROWN was killed, but that it is one of these three. J. MERCER states further that both MARY BLACKBIRD and MANDY CLAREMORE are very dissolute full-blood Osage women, [REDACTED] B7C

[REDACTED] that the Osage Indian women are very fond of all white men, while the Osage Indian men are all very fond of all white women.

MERCER states further that these Indian women mentioned talk in their own tongue among themselves, but will not tell or talk such things to white people, and that he is firmly convinced that the only way to make MARY BLACKBIRD and MANDY CLAREMORE talk is to arrange with the

agency and cut their finances off until they come in and tell the whole truth, or to throw them in jail and keep them there.

Agent found MARY BLACKBIRD in Fairfax, and after first having MR. M. RICHARDSON, Indian farmer, and a very reliable and discreet man of long experience and good standing with the Indians, prepare her as well as possible, to tell the truth, Agent interviewed her.

MARY BLACKBIRD Agent found to be a full-blood, fat, rough, low Indian woman, very sullen on this question, but speaking and understanding English perfectly.

MARY BLACKBIRD took the same attitude from the statement that MAMIE FLETCHER did, to-wit: She stated at the outset that she knew absolutely nothing about the case, and in response to all questions all that she would answer was, "I don't know a thing about it", in a sullen and defiant manner, and she would not look Agent in the eye, and plainly indicated that she was lying.

That only information that Agent was able to get out of MARY BLACKBIRD was that she had heard another Osage Indian woman named MYRTLE KING of Grayhorse telling some woman that she, MYRTLE KING, had started out to go somewhere in her car before daylight Sunday morning, May 22, 1921, and had met ANNIE BROWN and BRYAN BURKHART in a car. MARY BLACKBIRD declared that she did not learn where this KING woman had met them, whether it was at Fairfax, Grayhorse or some other place, and in fact claimed to know nothing further.

Agent tried for a couple of hours with the assistance of MR. RICHARDSON to get this MARY BLACKBIRD to tell the truth, but she kept insisting that she knew nothing further, but plainly showed that she did.

294

These Osage Indians for the greater part, are very dissolute and independent people, owing to the fact that their income is so large from oil that they do not work at all, but spent their time in dissipations of all kinds. They are also very independent of any white person, except those with the strings on their money, which of course is due to the fact that the greater part of the white people in Osage County are fawning and catering to the Indians in order to graft them out of their money.

Agent has arranged with J. MERCER to continue his investigation through his wife and post Agent from time to time as Agent sees him.

It is Agent's belief that the only way to make MARY BLACKBIRD, ~~MISS~~ MAMIE FLETCHER and MANDY CLAREMORE or any of these dissolute, stubborn Osage Indians talk and tell what they know is to cut off their allowance at the Agency if possible, and if necessary, throw them in jail whenever they get drunk and treat them just as white people would be treated.

Agent interviewed A. W. COMSTOCK heretofore frequently mentioned, but got absolutely no further information from MR. COMSTOCK, which of course is not necessary now as Agent is dealing directly with the persons from whom COMSTOCK was getting his information.

Agent spent considerable time driving to different points surrounding Pawhuska in endeavors to locate PAUL JOHNS, et als, in this case.

RE: MURDER OF CHARLIE WHITEHORN: 

On Nov. 17th Agent located and interviewed MISS FRANCINAS BURDETT, who is now living with MRS. JOHN BENSON at 806 E. 10th St., Pawhuska, Okla

MRS. JOHN BENSON is a white woman, married to an Osage Indian, who is said to now be in the Navy, and the BENSON WOMAN and FRANCINAS BURDETT

[REDACTED] FRANCINAS BURDETT talked freely to Agent with practically no prompting, and her statement in material substance is as follows: *B7C*

That some time in the spring or summer of 1921 she was living at Hominy, Okla. and playing the piano at picture shows there; that she was acquainted with ANNA RIDDLE, LOUIS COPPERFIELD, LOUIS HOKOSHE, and others, living at Hominy. That COPPERFIELD and HOKOSHE are full-blood Osage Indians.

That about 9:15 to 9:30 P. M. one night in the spring or summer of 1921 she came directly home from the theater where she was playing, to the little one-roomed house she ~~was~~ had rented in the rear of MISS JONES house at Hominy, and having done a washing that day and being very tired, had disrobed and had donned her nightgown immediately. That she then heard someone ~~was~~ breathing very heavily and loudly outside her door about 9:30 P. M. and opening the door, found LOUIS COPPERFIELD lying on her front porch, or against it. That LOUIS COPPERFIELD was very drunk and mumbling; that she went to him and helped him up and that she saw that his coat was off and his shirt sleeves were torn and his shirt was torn in other places. That his shirt on the breast and arms was covered with blood. That she took him into her house and tried to feed him a raw egg to sober him, but he was so drunk that he dropped the egg on the floor. That she then thought to give him some fresh milk, which she did, and that she then proceeded to tell her of a terrible fight he and LOUIS HOKOSHE had had in a field that night with some other Indians. That COPPERFIELD kept glancing at the blood on his person and shuddering, and repeating what a terrible fight it had been. That she

also noticed that he had either in his hand or had gotten it out of his pocket an open pocket knife with a rather long blade, and that this knife and blade were all covered with blood.

That COPPERFIELD told her that a big bunch, including himself and LOUIS HOKOSHE, had been drinking at Wynona, Okla. that evening, and had gone to a field where they all had a fight, and that he told her that LOUIS HOKOSHE, who was her sweetheart, then, wanted to see her.

She stated that she did not know how COPPERFIELD had gotten to her house, but that after a little he walked off in his shirt sleeves, and without his hat, stating that he had lost his hat somewhere, but that he walked off by himself and that she positively did not phone his folks to come and get him, and that MRS. JONES, her landlady, was not home that night.

She stated further that she sat there in her nightgown on the front steps in a sort of trance for possibly hours and then went to bed, but that LOUIS HOKOSHE did not come to see her that night.

That the next day LOUIS HOKOSHE came to see her, and he also told her that he and COPPERFIELD and some others had all gotten drunk on choc at Wynona the night before, and had gone out and had had a fight. That they drove out to a ^{field} friend in some cars where they had another big fight; that HOKOSHE stated that they struck COPPERFIELD, and he wanted to help COPPERFIELD, but that a big fat Indian woman he had with him kept him from getting out of the car.

In response to questions, FRANCINAS BURDETT stated that she is positive that nothing was said by COPPERFIELD or HOKOSHE about anyone having a gun that night or any shooting having been done, and that neither one of them mentioned that anybody had been killed, and that COPPERFIELD

and HOKOSHE both knew CHARLIE WHITEHORN, but neither one of them mentioned his name or the name of CHARLIE in connection with this fight and neither one indicated in any way that WHITEHORN was in the bunch or had been seen at all that night.

FRANCINAS BURDETT stated that she is also positive that she did not go and get ANNA RIDDLE to help her, FRANCINAS, carry COPPERFIELD into the house that night, and that ANNA RIDDLE was not present at any time and did not see COPPERFIELD at all that night, and that she, ANNA RIDDLE, did not phone COPPERFIELD'S folks and have them come and get him. FRANCINAS stated further that she does not remember whether this was the spring or summer of 1921, but does know that later she heard of CHARLIE WHITEHORN'S death, but she cannot remember whether she heard of WHITEHORN'S death two days or three weeks after COPPERFIELD came to her house drunk that night.

She states that COPPERFIELD was ANNA RIDDLE'S sweetheart and LOUIS HOKOSHE her, FRANCINAS' sweetheart, and that she, FRANCINAS, has visions and knows things by intuition, and that when she heard of WHITEHORN'S death, she just knows that he was killed that night by COPPERFIELD or someone in the fight, and that she believes that COPPERFIELD killed him with a knife. FRANCINAS BURDETT furnished the further information that she is now staying with MRS. BENSON, and that she, FRANCINAS, has filed a breach of promise suit against an Indian named FRY at Pawhuska for \$35,000.00 damages; that her lawyers are TILLMAN & TILLMAN, at Pawhuska.

Agent made notes of what FRANCINAS BURDETT stated, but did not get a signed statement from her at the time, as Agent places absolutely

no confidence whatever in her statement, except that perhaps it is true that LOUIS COPPERFIELD was drunk in her yard one night.

It will be noted ~~that~~ ⁱⁿ the first place that CHAS. WHITEHORN was shot between the eyes, and not cut or scratched or wounded in any other way and that his clothes and person bore evidence that there had been no struggle or fight of any kind. It will also be noted that FRANCINAS BURDETT did not come forward with her story about LOUIS COPPERFIELD and his bloody clothes, etc. until months after the ~~murder~~ WHITEHORN murder, and not until ANNA RIDDLE was suing or threatening to sue LOUIS COPPERFIELD in bastardy. It will also be noted that the night CHARLIE WHITEHORN disappeared, he was seen as late as nine o'clock in Pawhuska while FRANCINAS is sure that it was not more than 9:30 when she saw LOUIS COPPERFIELD at her door.

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FRANCINAS BURDETT is [REDACTED] and it is Agent's conviction that the statement heretofore given as to this LOUIS COPPERFIELD episode by ANNA RIDDLE HAMMON is the correct version of it.

However, Agent will interview FRANCINAS BURDETT later, after she has had time to forget what statements she made this time, and get another statement from her, and then put the pressure on and make her tell the real truth, if possible.

Interviewed LUTHER P. MOSIER, heretofore mentioned, and MR. MOSIER who is a very intelligent and fairly well educated young Osage Indian, assured Agent that his personal knowledge re. the CHAS. WHITEHORN murder is:

That ROY LOCKLIN and wife, EVA LOCKLIN, were guests of LUTHER MOSIER and wife some months after CHAS. WHITEHORN was murdered, and

that while these guests, ROY LOCKLIN, who had been drinking some, and was talkative, told LUTHER MOSIER that he, LOCKLIN, had taken CHAS. WHITEHORN to Pershing with him in his car the night of Friday, May 21, 1921 and that he and CHAS. were drinking and that LOCKLIN stated further that CHAS. became paralyzed drunk and LOCKLIN brought him back from Pershing about 1 A. M. that night and LOCKLIN drove in his car up to the MINNIE SAVAGE house, where CHAS. WHITEHORN and wife were living; that WHITEHORN was still so drunk that he could not walk, and that he, LOCKLIN, got MINNIE SAVAGE to come and help him get CHAS. WHITEHORN into the house; that LOCKLIN stated further that he and MINNIE SAVAGE, who took WHITEHORN into the house that night, and LOCKLIN then drove on home.

That LOCKLIN indicated his belief that MINNIE and EARL SAVAGE and possibly some of the others had killed WHITEHORN that night, and that at least MINNIE SAVAGE knows all about the murder.

MOSIER stated further that he knows personally that when HATTIE WHITEHORN was arrested shortly after the WHITEHORN murder, MINNIE SAVAGE left Pawhuska, and hid for three days, for fear of arrest.

ROY LOCKLIN was mail carrier between Pawhuska and Pershing at that time and LUTHER MOSIER states that after LOCKLIN had left the room, EVA LOCKLIN, ROY'S wife, made the statement that ROY LOCKLIN was mistaken as to the time that he brought CHARLIE WHITEHORN home, and that the real fact was that it was two or three nights before this Friday night that CHARLIE WHITEHORN disappeared. EVA LOCKLIN, however, is a sister to MINNIE SAVAGE, and both are [REDACTED] B7C

Agent questioned LUTHER MOSIER closely as to him having heard the

2-90

attorneys for HATTIE WHITEHORN and MINNIE and EARL SAVAGE discussing ~~and~~ their clients had killed CHAS. WHITEHORN - as heretofore related by MR. MATTESON to Agent - but LUTHER MOSIER states that MATTESON is mistaken and that he, MOSIER, did not hear anything as definite as that, but merely heard the attorneys stating that they were personally convinced that MINNIE SAVAGE and EARL SAVAGE either had committed the murder or knew all about it.

BRYAN GRIFFIN and W. W. VAUGHN and HARGIS and A. W. COMSTOCK were mentioned by MOSIER as being attorneys to whom he referred, and MOSIER states further that BRYAN GRIFFIN is now laying up with MINNIE SAVAGE. Agent has heard this from other sources.

While at Kansas City on the 15th and 16th, made three trips to the ~~att~~ office of JOHN A. GUSTAFSON, Gloyd Bldg., Kansas City, Mo. in an effort to get the reports that MR. GUSTAFSON had promised Agent Weakley in these cases.

Agent found MRS. GUSTAFSON in charge, and she informed Agent that her husband is out of town at Fort Smith and that WALTER GRAY and LEAHY & McDONALD, attorneys at Pawhuska, had reemployed GUSTAFSON on these cases; that GUSTAFSON had an under cover man at that time in Pawhuska working on the case, and that GUSTAFSON himself would be in there working on the case sometime the following week.

MRS. GUSTAFSON informed Agent further that LEAHY, McDONALD and GRAY were not representing the relatives or representatives of the deceased, but were outsiders. She stated further that the reports were not in the office at Kansas City, but were with the under cover operative then working on the case for these "outsiders" in Osage County.

MRS. GUSTAFSON stated further that ~~from~~^{full} reports, written reports, had been furnished in the various cases by GUSTAFSON to A. W. COMSTOCK at Pawhuska, and SCOTT MATHIS and WALTER GRAY at Fairfax, but that all the reports had never been written up in full, and thus furnished, but were in the form of notes in the office; that however these notes would do Agent no good, as they would not be understood, but that she, MRS. GUSTAFSON, would have full and complete reports made of all the reports already transcribed and also of the notes that have never been reduced to report form and mail them to Agent at Okla. City in not more than ten days' time.

Agent is today in receipt of the following letter from MRS. GUSTAFSON

"Just heard from Kansas City regarding your desire to secure copies of reports in the various murder cases, and they have written Mr. Comstock Pawhuska, and Mr. Mathis in Fairfax to let you have the originals, or to let us know and we will have copies made for you.

Regarding the Fairfax cases, I will be in Pawhuska in a few days. Am on a case down here that will take me a few days, after which I will go to Pawhuska. When I am ready to go there I will write you and shall be glad to meet you and go into this case again. I was disgusted with the way the State handled the proposition. If we could have got some support from some of the authorities I feel sure that it could have been worked out. On arrival there I will be glad to furnish you with complete report covering our investigation.

Trusting this will be satisfactory, I am,"

Agent cannot understand why LEAHY and McDONALD and GRAY should spend their individual money on this case, if it is a fact, nor why GRAY should conceal this fact from Agent unless as has been often reported to Agent heretofore, HALE and the BURKHARTS are trying to keep posted as to what is being found by the investigators in this case through connections with LEAHY, GRAY and McDONALD and others.

Agent is informed by JOHN MORAN that one BURKE, a banker at Pawhuska

offered to pay MR. JUSTICE, formerly Assistant County Attorney at Pawhuska, for the information that had been secured in re. the Fairfax murders, and it was known that BURKHARTS was doing this for W. K. HALE.

Agent has a number of lines out in an effort to locate ~~and~~^{the} numerous persons that will have to be interviewed in these cases, as it is now over two years and a half since two of the murders were committed, a large number of the necessary witnesses who were naturally of the transient type, have left the country, and have made a number of moves since so that it is tedious and slow work to locate them.

The uncle of the BURKHARTS named BRIDGES is reported to have his home at Campbell, Texas.

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November 30, 1923.

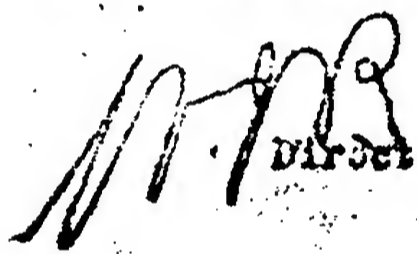
RECORDED & INDEXED

Dear Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Dear Sir:

Further with regard to the murder of U. E. (BILL)
SMITH and other Osage Indians, I am transmitting herewith
copy of a report dated November 19, 1923, made by Agent Weiss
of our Oklahoma City office.

Very truly yours,


Director.

Enc. B3532

FILED
DEC 8 1923

294

THIS CASE ORIGINATED AT Director

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Nov. 30, 23	PERIOD FOR WHICH MADE: Nov. 20 to 30	REPORT MADE BY: T. F. Weiss.
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TITLE AND CHARACTER OF CASE:
E. B. (BILL) SMITH and other Osage Indians : Murder

FACTS DEVELOPED:
 at Tulsa, Skiatook, Barnsdall, Hominy, Wynona, Pawhuska, Blackburn, Grayhorse, Ralston, Fairfax and Burbank, Oklahoma. (O. C. #7060.)
 Referring to previous reports, entitled as above. 62-5033

ANNIE BROWN MURDER:

At Tulsa, Okla. learned from W. C. BERRY and others that ROBERT EWING, who was with Agent's confidential informant at the time certain persons near Fairfax and Burbank, Okla. made statements to the effect that they had seen BRYAN BURKEART and ANNA BROWN together in the after one A. M. Sunday, May 22, 1921, that said ROBERT J. EWING'S last address was Chicago, and that JOE BERNSTEIN, now said to be with the fire department at Ponca City, Okla., gets letters from EWING occasionally, and will be the best man to get EWING'S definite address from Agent also spent a number of days trying to ascertain the name of the alleged keeper of the roadhouse near Belford Crossing, southeast of Fairfax, but finds contradictory information

that said alleged keeper was one LEE PEBBORTH.

JEFF CARNAGHY and BOB COOPER, city police at Hominy, state

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-51

BUREAU OF INVESTIGATION
 DEC 6 1923
 DEPARTMENT OF JUSTICE

ROUTED TO: HOOPER

RECORDED & INDEXED

DEC 20 1923

COPIES OF THIS REPORT FURNISHED TO:
 3 Washington; 3 file.

Mr. Ok City in forward copy to Atty Gen. 12/13/23
 295

that LEE PEBSWORTH is now reported to be moonshining on the Arkansas River, fifteen or twenty miles west of Hominy. Agent's investigation, however, at Fairfax and in the vicinity of Before Crossing, indicated that PEBSWORTH is not the man who ran the alleged roadhouse, and that there was in fact no roadhouse there, but there were a number of people in that vicinity bootlegging whiskey at that time.

Interviewed MISS MAYBELLE MAYFIELD SWIFT at Bigheart, Okla. She states that she was arrested at Burbank, Okla. at the roadhouse two miles east of Burbank on Oct. 9, 1921; that at the same time she was arrested, one ROSE COCHRAN was also arrested at the same place; that ROSE COCHRAN was then living with LEE HODGES, who was running the roadhouse at that time, and that LEE HODGES and ROSE COCHRAN are now said to be married and living at Whistang, Okla., where HODGES is employed by the Gardner or Roxanna petroleum Co.

MAYBELLE MAYFIELD SWIFT states, however, that LEE HODGES was not running this roadhouse in May, 1921 - when the murder occurred, but that one LEE MORGAN started said roadhouse and ran it for several months, and then sold out to LEE HODGES - it is evidently LEE MORGAN that was running the roadhouse on May 21 and 22, 1921, the date of the murder, and Agent's confidential informant states that he is positive that it was LEE MORGAN to whom he talked at said roadhouse in July, 1921, and who told him that he, said LEE MORGAN, positively saw BRYAN BURKHART and ANNA BROWN in a Buick car about 1:30 A. M. May 22, 1921, and that LEE MORGAN further stated that said people did not get out of their car, but that he, MORGAN, sold them some whiskey in a pop bottle.

LEE MORGAN'S present whereabouts are unknown, but he has a wife who is said to now be running a cafe or joint of some kind at Three

296

Sands or Tonkawa, and MAYBELLE MAYFIELD SWIFT states that this MRS. MORGAN generally knows where her husband is. MAYBELLE also states that LEE MORGAN has a grown son called "SHORTY" who is generally with LEE MORGAN.

MAYBELLE stated further that she was at Burbank but one time in her life, which was in October, 1921, and that she was there but six days, when she was arrested, and she has not been back since. That she was never questioned by anyone regarding the ANNA BROWN murder, and was not around in that section in May, 1921. MAYBELLE answers the description given by PIKE of the woman who was said to have been in the car following the BRYAN BURKHART-ANNA BROWN car the night of the murder, except that she is only about twenty years old instead of forty. It appears certain that she is not that woman.

MAYBELLE MAYFIELD SWIFT states further that she never heard of PAUL JOHNS and did not know who ran the roadhouse northeast of Burbank in May, 1921 or at any other time.

Interviewed DICK DUNSWORTH, Indian Police, JOHN REIEL and CHRIS BUZZI, Prohibition Officers, BOB COOPER and JEFF CARNAGEY, police at Hominy, and a number of people at Ralston and in the neighborhood of the Belford Crossing, but could find no trace of any roadhouse having been run at that place in May, 1921 or at any time.

On Nov. 23d Agent drove over the route which BRYAN BURKHART states he took with ANNA BROWN the night of the murder, to-wit, from Grayhorse to Ralston, Okla., about seven miles; from Ralston west to Belford Bridge crossing, six miles more; from Belford Crossing north to the Ponca-Fairfax road, four miles more; from the said road to Burbank and the LEE MORGAN roadhouse, eighteen miles more; thence north to the PAUL

299

JOHNS roadhouse, one mile more, thence south to Fairfax, ten miles.

Agent has made a plat of this road or route, and same will be available if needed for trial.

Agent also inquired at Burbank under cover, for information as to the names of the parties running said ^{road} ~~house~~ at that time near Burbank, but without success.

Agent inquired of the ferryman at Belford Crossing, who has lived there twelve years, and has stated that he did not know of anyone running a roadhouse in that section during that time. This ferryman himself, however, is reputed to be a moonshiner, and it is probable that the place where BRYAN BURKHART and ANNA BROWN got their whiskey that night was not a roadhouse, but a moonshiner's joint, and it will be difficult if not impossible to get any of them to admit that they sold whiskey that night or saw BRYAN BURKHART and ANNA BROWN.

Said ferryman, however, stated that there is a man named LEE PIXLEY who is a carpenter and lives in Pawhuska who lived in that section at that time, and that PIXLEY might know something about it. PIXLEY will be interviewed.

At Ralston, Okla. interviewed E. R. HEDGES, who is a man about 55 years of age, and of unusually good reputation and standing there, and is a conservative, reliable man. E. R. HEDGES states that he has known ANNA BROWN since she was a little girl, and that on Saturday night, May 21, 1921 he, that is HEDGES and JOE MCGUIRE and E. B. JONES (now dead) and FRED WHEELER and ED HAINKY were sitting on the benches on the south side of the Jones Hotel at Ralston; that just as it was getting so dark that you could recognize a person whom you knew fifteen or twenty feet away, a car passed them going west; that said car passed close to

296

curb, and within ten or twelve feet of where these men were sitting; that ANNA BROWN was in the front seat of said car, which was a touring car, with the man who was driving. (This puts ANNA BROWN on the side of the car toward where these men were sitting.)

MR. HEDGES states further that ANNA BROWN called out as she passed them, "Hello, Joe", to JOE MCGUIRE, and JOE MCGUIRE answered, "Hello, ANNIE".

That ANNIE then asked where she could get something to eat, and T. B. JONES told her at McSPADDEN'S Restaurant (which is just about 195 feet west of where HEDGES and the other men were sitting, and on the same side of the street in the same block.)

HEDGES states that the car then drove on west and turned in and stopped at the curb at McSpadden's restaurant.

That before the car left, T. B. JONES asked if it were ANNA BROWN in the car, and JOE MCGUIRE said yes, and that another of the men sitting there said that the man with her was BRYAN BURKHART.

That ~~ANNIE~~ JONES then started down to where the car had stopped, but before he got quite to the car, BRYAN BURKHART, who had gone into the restaurant, came out with a package in his hand, got in the car and drove off, going west.

HEDGES states that he has known ANNA BROWN well ever since she was a little girl, and knows positively that it was she in the car that night, but that he did not know BRYAN BURKHART very well, and could not say positively that it was BRYAN BURKHART with ANNA BROWN, but that some of the men mentioned at the time that it was BRYAN BURKHART with ANNA BROWN.

Nov. 20-30, 1928.

HEDGES expressed his firm conviction that it was BRYAN BURKHART with ANNA BROWN that night, and that BURKHART is the man who killed ANNA BROWN and HEDGES condemned the BURKHARTS strongly. HEDGES also suggested that we interview ED HAINY, and recommended MR. HAINY as being strictly reliable and O. K.

Interviewed ED HAINY and his wife at Ralston, where they live. first MR. HAINY claimed to have a bad memory, but after a little preliminary skirmishing, his wife broke in and told him, "You know who it was in that car that night with ANNA BROWN".

MR. HAINY then stated, in material substance, that his memory was all right, and that he remembered the incident clearly, as he and HEDGES and others had talked about it a number of times, but that his reason for ~~feigning~~ feigning a poor memory at the beginning of the interview was that during the last month ^{there} ~~they~~ have been two other men in the neighborhood, claiming to be insurance men, but whom he suspected strongly of being detectives, possibly working for HALE and the BURKHARTS. These two other men had interviewed his wife and questioned her closely about the FALES and the BURBANKS, and had interviewed ROSE BOYER of Ralston, a niece of W. E. SMITH twice very closely during the past month; that these men claimed to be insurance men from Kansas City. (It is Agent's surmise that these men are working in the interests of the Capital Insurance Co., re. the \$25,000.00 policy in favor of W. E. HALE on HENRY ROAN'S life, and the Denver office will be requested to ascertain if this is the fact from the home office at Denver.)

Said HAINY then stated that on the night in question (Saturday, May 21, 1921) he and I. R. HEDGES and JOB MCGUIRE and FRED WHEELER

a white man - and T. B. JONES were sitting on the benches at the south side of the Jones Hotel at Ralston; that just about dusk ANNA BROWN and BRYAN BURKHART drove by in a car, going west; that ANNA BROWN waved her hand as they passed, and said, "Hello, Joe", and that JOE McGUIRE answered, "Hello, Annie"; that ANNIE asked something about a place to eat, and T. B. JONES directed them to McSpadden's Restaurant; that the car then drove on west and turned in about at McSpadden's Restaurant; that a little later he, HAINY, saw BRYAN BURKHART coming out of McSpadden's Restaurant with something in his hand, and FRED WHEELER started down to the car; that he, HAINY, however, does not know whether FRED WHEELER reached the car in time to talk to BRYAN BURKHART and ANNA BROWN or not. Said HAINY states that he has known ANNIE BROWN well for twenty years or more, and had known BRYAN BURKHART for several years before that time, and knows positively that it was BRYAN BURKHART and ANNIE BROWN in the car that evening about 8 P. M. as the car passed within twelve or fourteen feet of where they were all sitting.

MR. HAINY also expressed his firm conviction that BRYAN BURKHART is the man who murdered ANNA BROWN that night.

MR. HAINY states that when the car drove off, it drove on west in the direction of the Belford Bridge crossing.

Interviewed BOB CARTER at Fairfax, Okla., who is a taxi driver, and stated that he was such in May, 1921. (BOB CARTER is the man who drove ANNA BROWN out to the Grayhorse the morning of May 21, 1921, and is an exceptionally reliable man of fine reputation.)

BOB CARTER states that the FRED WHEELER who died in Fairfax, as reported in Agt. Weakley's report heretofore, was a big Indian.

RAINEY and MR. HEDGES state that the FRED WHEELER who was sitting with them on the benches at the Jones Hotel the night of May 21st was a white man. This clears up the plain contradiction that FRED WHEELER is reported by some to be dead, and by some to be alive, as it was undoubtedly the Indian FRED WHEELER that died, and that Agt. Weakley reported as dead. MATT WILLIAMS of Pawhuska is a close friend of FRED WHEELER, and states that FRED WHEELER was alive in August, 1923 and at that time was living at Augusta, Kans. The FRED WHEELER wanted, the white man, is a drug addict of poor character, and moves around frequently. Agent has written the Postmaster at Augusta, Kans. in an effort to get FRED WHEELER'S address, and has MATT WILLIAMS and several others working along the same line.

BOB CARTER stated further that the names of the BURKHARTS' uncles who were at Fairfax and Grayhorse in May, 1921 when the murder occurred, are J. L. BRIDGES and H. M. BRIDGES.

BOB CARTER states that said J. L. and H. M. BRIDGES were taxi drivers in May, 1921 at Fairfax, Okla., and lived in Fairfax; that said BRIDGES were said to have come from Texas to Fairfax, Okla., and that they left Fairfax sometime in 1921 and are now living at Campbell, Tex.

MR. CARTER states that he saw a letter from J. L. BRIDGES to a garageman at Fairfax, just recently, and that the letter was postmarked at Campbell, Tex. MR. CARTER states that the BRIDGES are remembered well by him for the reason that they came to Fairfax and entered the jitney business, making very low rates; that after staying in the business some months, they left Fairfax, owing a lot of unpaid bills.

(This information is important for the reason that it is the first information we have had that the BRIDGES lived in Fairfax, so that it

shows that it is highly probable that if J. L. BRIDGES or the other BRIDGES was with BRYAN BURKHART and ANNA BROWN in the car that left the two roadhouses near Burbank and drove into Fairfax that night, that BURKHART dropped the BRIDGES man out at his home at Fairfax, and from that time on until after the murder, was alone with ANNA BROWN, and it also explains BRYAN BURKHART'S statement to confidential informant that he, BURKHART, was seen by a man leaving near Grayhorse just about daylight before BRYAN BURKHART got home the morning of Sunday, May 22, 1921. It will be remembered that BURKHART mentions to this informant that BRIDGES was with BURKHART and ANNA BROWN when the cars separated and drove into Fairfax, but that BURKHART did not mention to him BRIDGES when telling about the man seeing him, BURKHART, about daylight.

We now have MARTHA DOTY, said to be living five miles west and two miles south of Quay, Okla., who was known as MARTEA UPRIGHT at the time of the murder, and who was living at that time with ERNEST BURKHART at Grayhorse, who states that the BURKHARTS with ANNA BROWN and BRIDGES left BURKHART'S house at Grayhorse Saturday, May 21st, about 7 P. M. We also have JOE McGUIRE of Pawhuska, Okla., I. R. HEDGES and ED HAINBY of Ralston and FRED WHEELER, a white man, present address unknown who state that they saw BRYAN BURKHART and ANNA BROWN in car leaving Ralston about 8 P. M. Saturday, May 21, 1921.

And we have confidential informant, who states that BRYAN BURKHART admitted to him that he, BURKHART, had ANNA BROWN in Ralston at that time, and was with ANNA BROWN at the PAUL JOHNS and LES roadhouses near Burbank, between 1 and 1:30 A. M. May 22, 1921, and admitted further to confidential informant that he, BURKHART, had ANNA BROWN

in his car and took her from said roadhouses to Fairfax, arriving at Fairfax about 2 or 2:30 AM that morning, and admitting further to confidential informant that he, BRYAN BURKHART, did not get home until about daylight - 5 A. M. - that morning.

And we have MRS. GEO. JAMES of Fairfax, Okla. who states that she heard parties, evidently BRYAN BURKHART and ANNA BROWN, talking near her house about 2:30 A. M. the morning of the murder, and a few minutes later saw BRYAN BURKHART and ANNA BROWN on ANNA BROWN'S porch, with the porch-light on, and a car facing south standing in front of ANNA BROWN'S house. We also have BRYAN BURKHART'S sworn testimony at the inquest that he delivered ANNA BROWN safely to her home Saturday, May 21, 1921 between 4:30 and 5 P. M., which would have been before sundown, and that BRYAN BURKHART swore further that he had not been with her nor seen her at any time afterward.

DR. J. S. SHOWN, Fairfax, Okla., also states that he has recently seen a letter from J. L. or H. M. BRIDGES, and that their address is Campbell, Tex.

We have used a lot of time trying to locate by description the red-headed, good looking, 140-pound, forty-year-old woman that informant states he talked to, and which woman claimed to have been in the car following BRYAN BURKHART and ANNA BURKHART and BRIDGES the night of the murder, and also in trying to locate FRED WHEELER, LEE MORGAN and PAUL JOHNS.

From Mr. BRACKETT, who has been working on this case for the Moran Detective Agency, Agent learns that after PAUL JOHNS was arrested for running said roadhouse in October, 1921, he is said to have left, and

gone back to Wichita Falls, Tex. or near there; that PAUL JOENS is said to be a married man and to have made his former permanent home in or near Wichita Falls, Tex.

On the 23d and 24th Agent was engaged with confidential informant in an effort to get informant's original notes and reports of this case, which notes and reports informant states give the names of all the persons mentioned. Also in having informant to ascertain whether or not EDITH DAVIS, of 40 Yorktown, Tulsa, Okla., a former close associate and perhaps parasite of ANNE BROWN, is the woman with whom informant talked as the woman who rode in the car following the BRYAN BURKHART-ANNA BROWN-BRIDGES car the night of the murder. We are still continuing in this effort, as it will save a lot of guessing and running down deductive leads.

CHARLES WHITEHORN MURDER:

On November 26th Agent interviewed FRANCINAS BURDETT again. She talked freely and told her story substantially as told before, as previously reported by this Agent regarding LOUIS COPPERFIELD and LOUIS HOKOSHI.

FRANCINAS BURDETT, whom Agent now learns is really DELLA and whose foster parents live ten miles north of Elk City, Okla., voluntarily added that the first that anyone had talked with her about this case was about March of this year, at which time one DICK WALLACE (a well known pawhuska crook) came to her and questioned her at length on this subject.

She states that she told WALLACE the same as she has told Agent.

but that WALLACE tried to get her to tell a different story, and told her he would pay her \$500.00 to do so. She claims to not be able to recall what WALLACE wanted her to tell, but said that she would not swear to anything but the truth, just as she has told Agent.

FRANCINAS further stated that WALLACE and she then arranged that they would go to Hominy and she would get LOUIS COPPERFIELD up to ANNA RIDDLE'S house with ANNA RIDDLE, and she and ANNA RIDDLE would get COPPERFIELD drunk and have WALLACE hid behind the safe, and that she and ANNA RIDDLE would try to get LOUIS COPPERFIELD to confess to the murder of CHARLIE WHITEHORN, so that DICK WALLACE could hear it from where he was hidden. She states however that this plan was never carried out.

FRANCINAS reiterates that she is positive that ANNA RIDDLE was not present at any time the night LOUIS COPPERFIELD was drunk at her house.

In response to further questioning by Agent, FRANCINAS states that she knows ED SNYDER, formerly guardian of LOUIS RIDDLE, ANNA RIDDLE'S half brother, and that SNYDER lives in the 500 block on East Main. FRANCINAS states that she has never discussed this case with said SNYDER, and intimated that she had not talked to SNYDER for a long time, and did not know him very well.

Interviewed ED SNYDER, 511 E. Main, Pawhuska. He is an extremely shrewd white man of about fifty years of age, has lived in Osage County for years, and was formerly a big cattleman, running as high as fifteen or sixteen thousand head of cattle at one time.

SNYDER stated that he has known FRANCINAS BURNETT for several years; that her right name is DELLA YOUNG; that her home is ten miles north of Elk City, Okla., where her foster parents reside; that she is

the divorced wife of MR. GILKERSON, County Attorney at Sayre, Okla.

ED SNYDER stated to Agent that he has seen and talked to FRANCINAS three or four times recently, but on another matter. That FRANCINAS told him of being called about a week ago ~~to~~ Room 207, Worten Bldg., Pawhuska [where Agent makes headquarters at Pawhuska with JOHN MORAN.]

MR. SNYDER stated further that he never at any time discussed this WHITEHORN murder with FRANCINAS, but that he was very glad to tell Agent all that he, SNYDER, knows about the facts, as he learned them from ANNA RIDDLE. MR. SNYDER then related as follows:

That about two years ago he was the guardian for LOUIS RIDDLE, who is a half-blood Osage Indian, and a half-brother to ANNA RIDDLE; that ANNA RIDDLE was then fifteen years of age, and living at Hominy, Okla.

That about two years ago LOUIS RIDDLE and wife and ANNA RIDDLE, the latter carrying a little black Indian baby, all came together to SNYDER'S house in Pawhuska; that MRS. LOUIS RIDDLE, now dead, then told SNYDER that ANNA RIDDLE wanted help.

That ANNA RIDDLE then explained that her little baby was a child by FRANK COPPERFIELD (a full-blood Osage Indian, brother to LOUIS COPPERFIELD) and that she and FRANK COPPERFIELD had been living together as man and wife until FRANK had died; that FRANK'S estate had been inherited or would be by his mother and brother, LOUIS COPPERFIELD, and that ~~that~~ they refused to let her, ANNA, or the baby share the estate.

MR. SNYDER states that ANNA RIDDLE then related that LOUIS COPPERFIELD ~~had~~ killed CHARLIE WHITEHORN, and stated that she knew this because about a week before WHITEHORN'S body was found near Pawhuska she saw LOUIS COPPERFIELD at Hominy, Okla., where he lived at the time

with his folks, and that that afternoon LOUIS had told her he was going to Pawhuska to get some whiskey, and she saw him leave Pawhuska for Hominy.

That ANNA stated further that LOUIS COPPERFIELD'S mother lived about a block from the RIDDLE home in Hominy at the time, and that that same night, about midnight or after, she, ANNA, heard a scream, and MRS. COPPERFIELD came over and got her, ANNA, to go to the COPPERFIELD home, where LOUIS COPPERFIELD was lying drunk, in the front yard; that MRS. COPPERFIELD told her that LOUIS had been brought home drunk by some other persons; that ANNA and MRS. COPPERFIELD helped LOUIS into the house, and she, ANNA, saw that LOUIS had blood on him; that LOUIS kept saying he felt worse than he had ever felt in his life, because he had killed his best friend, CHARLIE WHITEHORN, in a fight over some whiskey; that LOUIS stated that he had killed CHARLIE accidentally in a fight.

MR. SNYDER stated further that ANNA stated further that she had never told anyone about this, although the officers had questioned her, but that she ~~did~~ thought that LOUIS and his mother ought to let her and her baby have the FRANK COPPERFIELD estate (worth about \$110,000.00 besides the land) and that she, ANNA, wanted SNYDER to help her get it.

SNYDER states that ANNA was then visiting her said half-brother, LOUIS RIDDLE, and SNYDER told the RIDDLES he would be out to see them the next day.

SNYDER stated further that he then consulted A. M. WIDDOWS, a lawyer-at Pawhuska, and told WIDDOWS what ANNA RIDDLE had said; that the next day he and WIDDOWS drove to the LOUIS RIDDLE home, and ANNA

208

repeated what she had told MR. SNYDER about the WHITEHORN murder, except that she did not mention that LOUIS COPPERFIELD had said that it was CHARLIE WHITEHORN who he had killed. MR. SNYDER stated that neither ANNA RIDDLE nor her nor anyone else mentioned that it was CHARLIE WHITEHORN that LOUIS COPPERFIELD had killed.

SNYDER states that the purpose of this conference between him and WIDDOWS and the RIDDLES was that an agreement was entered into to the effect that they, SNYDER and WIDDOWS, would try to get the FRANK COPPERFIELD estate for ANNA RIDDLE and her baby by having LOUIS COPPERFIELD get his mother to agree, and that this would be done by putting the COPPERFIELDS under pressure of what ANNA RIDDLE knew against LOUIS regarding the murder of CHARLIE WHITEHORN.

ED SNYDER states that by the agreement he and WIDDOWS were to get fifty percent of what they succeeded in getting from the COPPERFIELDS.

MR. SNYDER states that pursuant to this agreement, WIDDOWS saw the Probate Judge at Pawhuska at that time, to have him approve this contract, as ANNA RIDDLE was then but fifteen years old, but the then Probate Judge, according to what WIDDOWS said, would not consent to the fifty percent fee; that later another Probate Judge named JUSTICE, who is still Probate Judge at Pawhuska, succeeded to the office, and that Judge JUSTICE did approve the fifty percent fee contract.

MR. SNYDER was careful to state that neither of said judges was informed by SNYDER or WIDDOWS of the information ANNA RIDDLE had against COPPERFIELD, and that COPPERFIELD had killed CHARLIE WHITEHORN.

MR. SNYDER stated further that MR. WIDDOWS planned to protest the probate of FRANK COPPERFIELD'S estate in the event they could not get a

309

settlement out of LOUIS COPPERFIELD in the murder trial to force the COPPERFIELDS to a settlement.

MR. SNYDER stated that ANNA'S baby died shortly thereafter (at seven months of age) and nothing has yet come of the deal. That in fact he does not believe any papers were ever filed in the case in court by WIDDOWS. (The real fact is that ANNA RIDDLE at that time had a lawful living husband named SILVERNAIL at Hominy, and therefore could not have entered into any marriage contract with FRANK COPPERFIELD.)

In answer to questions by Agent, MR. SNYDER stated that neither he nor MR. WIDDOWS had ever communicated any of the evidence or information regarding the WHITEHORN murder to any officer or official at Pawhuska, and in fact have not communicated it to anyone until he, SNYDER, told HARVE FREESE about it a long time later.

That HARVE FREESE was telling him, SNYDER, that he, FREESE, was convinced that HATTIE WHITEHORN had killed CHARLIE WHITEHORN and was going to send DICK WALLACE to Arkansas City on the case; that FREESE said there was a \$10,000.00 reward for the conviction of the murderer of CHARLIE WHITEHORN.

MR. SNYDER states that he then told MR. FREESE that HATTIE WHITEHORN was not the guilty one, but that LOUIS COPPERFIELD was, and he, SNYDER, told FREESE what ANNA RIDDLE had told him, SNYDER; that FREESE then remarked that he would have DICK WALLACE work with him and brought DICK WALLACE down to SNYDER'S home where SNYDER again told the story to HARVE FREESE, and DICK WALLACE.

That DICK WALLACE stated that he knew a woman, FRANCINAS, who could get this out of LOUIS COPPERFIELD by getting him drunk, and that he would use this woman for this purpose. MR. SNYDER said that DICK

WALLACE and Mr. ~~WALKER~~ going said he was going to give FRANCINAS a thousand dollars of the reward to do this.

ED SNYDER states that he is now under bond at Sayre, Okla., charged with conspiracy, together with a jitney driver named SMITH from Bartlesville, to defraud FRANK RIDDLE and wife, LEONA RIDDLE, out of \$7,500.00 and that he, SNYDER, has become well acquainted with FRANCINAS BURDETT because of this last named case.

Agent interviewed A. M. WIDDOWS at Pawhuska, who was very evasive and professed to have a very poor memory in the premises. Agent tried to get MR. WIDDOWS to relate the facts, in the case, and told MR. WIDDOWS that MR. SNYDER had already related them to Agent, but still MR. WIDDOWS professed to not be able to remember the facts.

Finally, Agent related the facts as MR. SNYDER has related them to Agent, and MR. WIDDOWS stated that that was a correct statement, as he remembers it, and MR. WIDDOWS stated that ANNA had said that LOUIS COPPERFIELD told her he had killed CHARLIE WHITEHORN at Pawhuska.

MR. WIDDOWS also stated that the facts as related by SNYDER were all correct in his, WIDDOWS' opinion, not only regarding the murder, but regarding the fifty percent contract, and the fact that they all planned to force the COPPERFIELDS into a settlement by holding this evidence that ANNA RIDDLE had against LOUIS COPPERFIELD over their heads.

MR. WIDDOWS stated that he has in fact filed a petition in re. the estate of FRANK COPPERFIELD, deceased, asking that the estate be set over to ANNA RIDDLE and her baby, as the common law wife and the child of FRANK COPPERFIELD. MR. WIDDOWS states that the estate is not closed but the cause is still pending.

MR. WIDDOWS also stated that he has learned that ANNA RIDDLE had a

lawful husband named SILVERNAIL living at Hominy at the time.

MR. WIDDOWS made a very significant remark as follows: "I don't remember these facts as to the murder very clearly. If I were prosecuting, of course I would remember them, but to be perfectly frank with you, our interests were to use ANNA RIDDLE'S knowledge to get a settlement out of the COPPERFIELDS. I asked her if she would confront LOUIS COPPERFIELD and his mother with the statement she had made to us regarding this murder, and she stated that she would. We told her to tell the COPPERFIELDS this."

Agent also asked MR. WIDDOWS if he had communicated this evidence regarding LOUIS COPPERFIELD having murdered CHARLIE WHITEHORN to any of the officers or officials of the county or the state whose duty it was to prosecute the murderer, and MR. WIDDOWS stated that he had not. MR. WIDDOWS was plainly very much on guard, and did not volunteer any information whatever, and it was with great difficulty that Agent secured any statement direct from MR. WIDDOWS.

Agent also asked MR. WIDDOWS whether he believed that ANNA RIDDLE was telling the truth about LOUIS COPPERFIELD being drunk and bloody saying that he had killed CHARLIE WHITEHORN, his best friend, at Pawhuska that night, and MR. WIDDOWS stated that he did, and does believe she was telling the truth.

(Agent is still rather of the opinion that ANNA RIDDLE told the truth when she said that FRANCINAS BURDETT and ED SNYDER and her sister-in-law, MRS. LOUIS RIDDLE, framed this story, but the investigation continues. It is hard to place any confidence whatever in ED SNYDER or A. M. WIDDOWS, for the reason that if they were unprincipled enough to

do what they admitted to Agent they had planned to do, that is, suppress the evidence of this murder and blackmail the COPPERFIELDS out of a valuable estate, they certainly would be also unprincipled enough to frame the whole ANNA RIDDLE story.)

It will also be noted that there is a great and material contradiction in the stories by ED SNYDER, ANNA RIDDLE and FRANCINAS BURDETT.

ED SNYDER states that ANNA RIDDLE'S story was that it was MRS. COPPERFIELD who called her that night, and that FRANCINAS' name was never mentioned until about a year ago, and that he, SNYDER, never had any information that FRANCINAS BURDETT knew anything personally at all about the murder or was present when LOUIS COPPERFIELD was drunk that night.

FRANCINAS BURDETT'S story is that LOUIS COPPERFIELD was found drunk by her in her yard, and that neither ANNA RIDDLE nor any other person was present with her at the time that night.

ANNA RIDDLE'S story is that LOUIS COPPERFIELD was drunk in FRANCINAS' yard and FRANCINAS called her, ANNA RIDDLE, over, and they together got COPPERFIELD into FRANCINAS' house, but that LOUIS COPPERFIELD did not have any blood on him, and did not say anything about a fight or having killed anyone, and the RIDDLE girl states further that the first she heard about LOUIS COPPERFIELD making such remarks and being bloody that night was when FRANCINAS ^{proposed} ~~inquired~~ to her, ANNA RIDDLE, that they frame on LOUIS COPPERFIELD and thus force the COPPERFIELDS to settle with ANNA RIDDLE, and ANNA RIDDLE was to then pay FRANCINAS.

The best guess at this time is that FRANCINAS BURDETT and ED SNYDER planned the frame-up on LOUIS COPPERFIELD, and then got ANNA RIDDLE and A. M. WIDDOWS in on the deal. However, this is but a surmise, and the investigation will continue.

HENRY ROAN MURDER:

On Nov. 21st and 22d Agent arranged with JOHN WHITEHORN, cousin to HENRY ROAN, and WILEY HAYNES, old Indian officer at Hominy, Okla., that JOHN WHITEHORN will try to get the full facts from MAMIE FLETCHER of what she knows about the HENRY ROAN murder.

JOHN WHITEHORN and MAMIE FLETCHER are both full-blood Osages, and he is reliably reported to be a reliable, intelligent Indian, and to be our possibly one chance of getting MAMIE FLETCHER to tell whether or not it is the truth that she was out riding the night of HENRY ROAN'S murder with ALFRED MCKINLEY - now dead - and that they saw HENRY ROAN murdered, either being murdered or just after the murder, as heretofore reported.

These Osage Indians seem to be very indifferent, and to be very frightened about telling anything.

W. E. SMITH and WIFE MURDERS:

On Nov. 24th interviewed MRS. ED HAYNIE at Balston, Okla., who states that on October, 1923, two men representing themselves to be insurance men from Kansas City, Mo. questioned her and ROSE BOYER of Balston exhaustively regarding the BURKHARTS and BILL HALE.

MRS. HAYNIE states that ROSE BOYER is a niece of W. E. SMITH, murdered, and should be interviewed, as ROSE BOYER has information re. the SMITH murder.

WALKER JOHNSON, attorney, Fairfax, Okla., brought in brother E. JOHNSON, states that W. H. COLE, 606 Cleveland Ave., Cushing, Okla. is the father of NERTIE BROOKSHIRE, who was killed at the same time as

the SMITHS, and that said COLE wants to see the Government Agent, to give him some information re. the SMITH murder.

MR. WALTER JOHNSON states that the substance of what COLE told him regarding the murder was that COLE stated that JOHN BROOKSHIRE, the then husband of NETTIE BROOKSHIRE, who was killed, now lives at Bartlesville, and that said JOHN BROOKSHIRE has always been a very poor man, but shortly after the said murder appeared with a brand new car at Bartlesville.

CONTINUED.

315

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72-0-45

December 13, 1923.

Mr. J. G. Findlay,
Box 125,
Oklahoma City, Okla.

Dear Sir:

Further with regard to the investigation of murders of Osage Indians, I desire that you forward to Attorney General Short for the State of Oklahoma, a copy of each report made, as it was upon the request of Mr. Short that this investigation was instituted with a view to assisting the state in the matter of appointment of guardians for Indian wards, upon which matter the wholesale murders have had an important effect.

Very truly yours,

Director, RECORDED & INDEXED

DEC 13 1923

12-30-23
BUREAU OF INVESTIGATION

DEC 14 1923

316

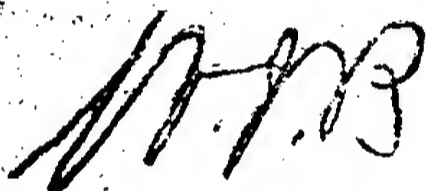
December 13, 1923.

Honorable Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

My dear Sir:

Further with regard to the murder
of Osage Indians in Oklahoma, I am enclosing
herewith copy of the report of Agent Weiss
of our Oklahoma City office, dated November
30th, 1923, for your information.

Very truly yours,



Director.

Encl. 21944.

62-5033
RECORDED & INDEXED

M. A.	62-5033-53
BUREAU OF INVESTIGATION	
DEC 14 1923 A. M.	
DEPARTMENT OF JUSTICE	
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317

Department of Justice,

Bureau of Investigation,
Oklahoma City, Okla.,

December
nineteenth
1923.

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
MR. HOOVER - 2.

W. E. (BILL) SMITH, et als.
Murdered Osage Indians.

C O N F I D E N T I A L

Dear Sir:

Replying to your letter dated Dec. 13, 1923, WWG:AS, 62-5033,
instructing this office to forward to Attorney General Short
of the State of Oklahoma a copy of each report made by the
agents in this investigation.

I beg to state that reports were furnished to Mr. Short up un-
til the time that agent Weakley left here, and Mr. Weiss dis-
continued working for the State Attorney General. Since that
time, the reports have not been forwarded to date.

There are several reasons why it was deemed ^{it} advisable to send
the reports periodically to Mr. Short: First, Mr. Short sta-
ted that he was very busy and that he would prefer that the
investigation proceed as we saw fit until some one or more of
the investigations was completed, and that when the United
States Attorney for the Western District of Oklahoma was sa-
tisfied that we had a case ready for prosecution, that he would
at that time assign an Assistant Attorney General to prose-
cute the case.

Second, as stated above, Mr. Short has been very busy, and as
you will know from press dispatches and otherwise, the Gov-
ernor of the state has undergone impeachment proceedings, and
has been ousted from office, and I might state also that the
Attorney General is also under investigation and charges may
be brought against him at any time by the Legislative Board
of Managers.

GENERAL INTELLIGENCE
JAN 3 1924
DIVISION

62-5033-54
BUREAU OF INVESTIGATION
DEC 22 1923 A. M.
DEPARTMENT OF JUSTICE
HOOVER FILE

319

JAN 4 1924

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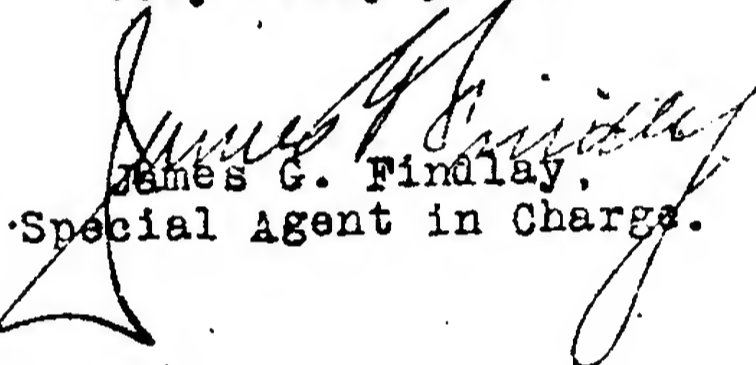
Mr. Hoover.

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I might also state without going into details that information contained in reports immediately gets into the possession of unauthorized and unscrupulous persons, and it is my opinion that it is exceedingly important and very advisable that reports be not furnished until such time as we feel that the facts developed warrant an arrest being made.

With the above explanation, would request that you instruct me as to whether or not you concur in my belief in this matter, or desire that I transmit the reports immediately.

Very truly yours,


James G. Findlay,
Special Agent in Charge.

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319